

REMARKS

Claims 4-6 are pending in the instant application. Claims 4-6 have been rejected. Claim 5 has been amended to correct typographical errors. These amendments do not introduce any new subject matter, and support for them can be found in the specification. After entry of this amendment, Claims 4-6 will remain pending.

Applicants would like to thank Examiner Chu for speaking with Applicants' representative David Muthard about this application on September 23, 2008. The Examiner's time and guidance is appreciated.

Rejection of Claims 4-6 under 35 U.S.C. §103(a)

The Examiner has rejected Claims 4-6 under 35 U.S.C. §103(a) over Breslin et al., US Patent No. 7,234,580 ("the '580 patent"), and Arrington et al., US Patent Application No. 10/517,559 ("the '559 application"), in view of Patani et al., *Chem. Rev.*, 1996, Vol. 96, pp.3147-3176 ("Patani et al."). Specifically the Examiner states:

...The Examiner is aware of the side-by-side comparison biological testing data of pyrrolidine compounds cited in the argument. However such data can not be considered as the unexpected results, unless the data are submitted under Declaration, stating that such unexpected results were realized before the filing data of the instant application.

Applicants respectfully traverse this rejection. Applicants are submitting the declaration of Christopher D. Cox, PhD to support the unexpected result argument advanced in Applicants' response of July 14, 2008.

In summary, substitution with a fluorine in a strategic, metabolically benign location on the nitrogen containing ring unexpectedly results in a favorable profile when compared with unfluorinated analogues and analogues containing fluorines in other positions.

In light of the previously presented arguments and submission, Applicants respectfully request the rejections of Claims 4-6 under 35 USC §103(a), be withdrawn.

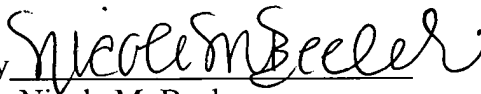
Rejection of Claims 4-6 for Double Patenting

The Examiner has rejected Claims 4-6 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over US Patent No. 7,235,580 ("the '580 patent").

Applicants respectfully traverse this rejection. The cited species from the '580 patent does not bear fluoro substitution at the 4 position of the pyrrolidine; all currently claimed compounds of the instant invention must be fluoro substituted. In addition, Applicants have addressed the obviousness assertion in the previous paragraphs. Accordingly, Applicants respectfully request that this rejection be withdrawn.

If a telephonic communication with the Applicants' representative will advance the prosecution of the instant application, please telephone the representative indicated below. Applicants believe no additional fees are due but the Commissioner is authorized to charge any fees required in connection with this response to Merck Deposit Account No. 13-2755.

Respectfully submitted,

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Date: December 15, 2008

Attachment: Declaration of Christopher D. Cox, PhD